

PATENT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Number: 10/026,387

Filing Date: 12/21/2001

Applicant(s): Kevin J. Williams and Timo Salo

Entitled: DECENTRALIZED MANY TO MANY RELATIONSHIP  
MANAGEMENT IN AN OBJECT PERSISTENCE  
MANAGEMENT SYSTEM

Examiner: Jean M. Corrielus

Group Art Unit: 2162

Attorney Docket No.: RSW920010207US1 (7161-23U)

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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Applicants request that a Panel Review of the rejections in the Final Office Action dated December 2, 2005, be performed in the above identified application.

**REMARKS**

**CLAIMS 1-4 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON**

**KAWAI IN VIEW OF YU**

Failure to disclosed plurality of corresponding decentralized links

In the Amendment filed September 15, 2005, Applicants amended claim 1 to clarify that the plurality of corresponding links are decentralized. In the Final Office Action dated December 2, 2005 (hereinafter 4th Office Action), the Examiner makes no assertion that Kawai discloses a plurality of corresponding decentralized links. In fact, the Examiner has repeated word-for-word, the statement found in the Office Action dated June 22, 2005 (hereinafter the 3rd Office Action) as to what Kawai discloses (compare 2nd and 3rd paragraphs on page 3 of 4th Office Action to 1st and 2nd paragraphs on page 3 of 3rd Office Action). Moreover, On page 4 of the 4th Office Action, the Examiner fails to assert that Yu discloses the claimed plurality of corresponding decentralized links. Thus, the Examiner has not establish a prima facie case of obviousness by failing to establish that the applied prior art teaches all of the claimed limitations (i.e., a plurality of corresponding decentralized links).

Not only has the Examiner failed to assert that the applied prior art teaches or suggests the claimed plurality of corresponding decentralized links, the Examiner has already admitted that Kawai fails to teach or suggest this limitation. As noted above, claim 1 was amended to clarify the distinction between the claimed invention and the rejection based upon Kawai in view of Olson found in the 3rd Office Action. Based upon an interview with the Examiner, in which this specific amendment was discussed, the Examiner agreed to withdraw the rejection based upon the combination of Kawai in view of Olson.

Not only has the Examiner admitted that Kawai fails to teach or suggest the claimed plurality of corresponding decentralized links, any argument by the Examiner that Kawai or Olson discloses this feature would result in the Examiner improperly ignoring the claimed invention, as a whole. Claim 1 recites that the "plurality of corresponding decentralized links ... managing said junction table responsive to changing relationships with others of said related objects." However, in the statement of the rejection, the Examiner asserts that Kawai teaches "a plurality of corresponding links" but "Kawai does not clearly teach a junction table storing relationships between said related objects." The managing function of the links is an integral part of the definition of the claimed links, and to assert that a reference discloses the claimed links but not the junction table being managed by the links is to improperly ignore the claimed invention, as a whole.

Improper motivation to combine

The Examiner asserted that Kawai does not teach a junction table storing relationships between said related objects but "Yu teaches a relationship table storing the links of the table containing key pair entry. The Examiner then asserted that it would have been obvious to modify Kawai in view of Yu to "incorporate the use of a single table or a third table storing the links or relationships information of the related tables." The asserted motivation for the modification is "to provide a way for enabling a user to managing many-to-many relationships of the related tables by using a single table or a third table storing the relationships information of the related tables." It is readily apparent that the Examiner is using circular logic (i.e., it is obvious to "incorporate the use of a single table or a relationship table" for the purpose of "using a single table or a third table" as a basis for this obviousness rejection. Moreover, the Examiner has failed to establish where this asserted "motivation" is factually supported by the applied prior

art. Still further, comparing the Examiner's statement of obviousness in the 4th Office Action (1st full paragraph, page 4) to the Examiner's statement of obviousness in the 3rd Office Action (2nd full paragraph, page 4), the Examiner has merely replaced the secondary reference of Olsen with the secondary reference of Yu. In this regard, Applicants are incredulous that both references would provide the exact motivation to modify Kawai so as to arrive at the claimed invention. Therefore, for the reasons stated above, Applicants submit that the Examiner has engaged in impermissible hindsight reconstruction based upon Applicants' teachings so as to arrive at the claimed invention.

**CLAIMS 5-11 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON KAWAI IN VIEW OF YU AND KROENKE**

On page 6 of the 4th Office Action, the Examiner asserted that "Kawai and Yu do not teach storing a directive in a buffer, said directive specifying a management operation; searching for an opposite directive in a buffer associated with said related object and object and performing said stored directive only if an opposite directive has not been stored in a buffer associated with said related object." Regarding Kroenke, the Examiner only asserted that Kroenke teaches "creating object link attribute for key pair entry and defining relationships between two or more object and searching or retrieving the object for manipulation of object links." The Examiner then asserted that it would have been obvious to modify Kawai and Yu in view of Kroenke to arrive at these missing limitations. The Examiner's rejection, however, fails to establish that the applied prior art teaches or suggest these missing limitations. In this regard, the Examiner's rejection under 35 U.S.C. § 103 also fails to comply with 37 C.F.R. § 1.104(c).<sup>1</sup>

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<sup>1</sup> 37 C.F.R. § 1.104(c) provides:

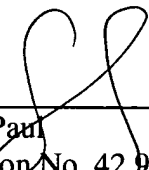
In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly

The Examiner's asserted motivation to modify the combination of Kawai and Yu in view of Kroenke is identical to the Examiner's asserted motivation to modify Kawai in view of Yu (and Kawai in view of Olson), which is "to provide a way for enabling a user to managing many-to-many relationships of the related tables by using a single table or a third table storing the relationships information of the related tables." Although the Examiner apparently believes that this "catchall motivation" is sufficient to establish the requisite motivation to combine under 35 U.S.C. § 103, Applicants respectfully disagree. Instead, the Examiner is required to make "clear and particular" factual findings as to any specific understanding or specific technological principle which would have realistically impelled one having ordinary skill in the art to combine the applied prior art to arrive at the claimed invention. As readily apparent from the statement of the rejection in the 4th Office Action, this has not been accomplished.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: February 6, 2006

Respectfully submitted,



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as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.